

REMARKS

Claims in the Application. Claim 1 has been amended. Claim 40 has been added to this application. Accordingly, Claims 1-4, 7-9, 12, 14-15, 18-19 and 21-40 are active in this application. Reconsideration is respectfully requested.

The Examiner's Rejection Over *Korzilius*. The Examiner has rejected Claims 7-9 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,239,081 ("*Korzilius*"). This ground for rejection is traversed.

The Examiner's comments in regards to clay are not understood. The preamble of Applicants' claims is written in "consisting essentially of" terminology. On page 2, ll. 26-28 of Applicants' originally filed specification, Applicants state that the inclusion of clay to viscosifying brines is undesirable since clays "cause formation damage". *Korzilius* discloses the addition of clays to the disclosed drilling fluids. Applicants have clearly indicated that the introduction of additional materials, i.e., clay, in the claimed suspension would materially change the characteristics of the claimed invention. Thus, Applicants have met the burden espoused by the Examiner. Reconsideration is therefore requested.

The Examiner's Rejection Over *Andersson*. The Examiner has further rejected Claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,837,864 ("*Andersson*"). The amendment to Claim 1 renders unnecessary the need for further discussion of this rejection.

The Examiner's Rejection Over *Burdick*. The Examiner has also rejected Claims 1-4, 7-9 and 29 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,479,537 ("*Burdick*"). This ground for rejection is also traversed. The amendment to Claim 1 renders unnecessary a discussion of the rejection as it pertains to Claims 1-4. The "consisting essentially of" terminology in Claim 7 distinguishes the claims over *Burdick*. *Burdick* is directed to a method of suspending hydrophobically modified poly (acetal-polyethers) in latex paint. The reference to hydroxyethylcellulose (HEC) in col. 3, ll. 40-45 clearly relates to a co-suspension of the HEC with a non-cellulosic polymer.

The Examiner's Rejection Over *Andersson* and *Boatman*. The Examiner has further rejected Claims 4, 7-9, 12, 14, 15, 18, 19 and 21-39 under 35 U.S.C. § 103(a) as being unpatentable over *Andersson* in view of U.S. Patent No. 6,315,061 ("*Boatman*"). This ground for rejection is also traversed.

The Examiner states that it would have been obvious “to manipulate the alkali formate salt content (and, thus, the density) of Andersson’s suspension and add it to a brine-based drilling fluid (such as Boatman’s calcium chloride or calcium bromide drilling fluids) to thicken the drilling fluid.” (Paragraph 15 of Office Action.) The composition of *Andersson* is not directed to a drilling fluid and there is no indication or suggestion in the art as to the desirability to use the teachings of *Andersson* with the teachings of *Boatman*. In fact, it is unclear as to how “manipulation” of the alkali formate salt content of *Andersson* would render the claimed invention of Applicants since *Andersson* is directed to an electrolyte salt containing at least 50 percent by weight of sodium formate. The claims of Applicants recite “no more than 25% of the alkali formate is sodium formate, the remainder being potassium formate, cesium formate or a mixture thereof.”

Further, Claims 18-19, 21 and 24-39 of Applicants relate to a method for thickening brine during recovery of oil and/or gas. Neither reference is directed to the thickening of brines during the recovery of oil and/or gas. Reconsideration is therefore requested.

The Examiner's Rejection Over *Burdick* and *Boatman*. The Examiner has further rejected Claims 12, 14, 15, 18, 19, 21, 25-28 and 30-39 under 35 U.S.C. § 103(a) as being unpatentable over *Burdick* in view of U.S. Patent No. 6,315,061 (“*Boatman*”). This ground for rejection is also traversed.

Burdick, like *Andersson*, does not disclose the use of an alkali formate wherein “no more than 25% of the alkali formate is sodium formate, the remainder being potassium formate, cesium formate or a mixture thereof.” Neither is such claim limitation disclosed in *Boatman*. Thus, it is not understood how combining the references would render the claimed invention. Equally unclear is to how the combination of *Burdick* and *Andersson* would render method Claims 18-19, 21 and 24-39 of Applicants obvious. These claims are directed to a method for thickening brine during recovery of oil and/or gas. The Examiner is therefore respectfully requested to reconsider the rejection.

The Examiner's Rejection Over *Clarke-Sturman*. The Examiner has further rejected Claims 7-9 under 35 U.S.C. § 103(a) as being obvious U.S. Patent No. 4,900,457 (“*Clarke-Sturman*”). This ground for rejection is also traversed.

Clarke-Sturman does not render the claims of Applicants obvious. The claims of Applicants are directed to a cellulosic polymer suspended in an aqueous salt solution. *Clarke-*

Sturman an aqueous polysaccharide *solution* which may be “enhanced by incorporation” of a formate salt. Since the cellulosic polymer of *Clarke-Sturman* is present as a solution and not a suspension, the claims of Applicants are distinguishable.

The Examiner's Rejection Over *Aqualon*. The Examiner has further rejected Claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by European Patent Application No. 482 533 A2 (“*Aqualon*”). The amendment to claim 1 renders unnecessary the need for further discussion of this rejection.

The Examiner's Rejection Over *Chesser*. On page 12 of the Office Action, the Examiner indicates that the previous rejection over *Clarke-Sturman* and U.S. Patent No. 6,933,262 (“*Chesser*”) “has been withdrawn” and then states that “a new ground(s) of rejection is made. . . .”. See further paragraph 8 of the Office Action. Clarification of any new rejection over the combination of *Chesser* is therefore requested.

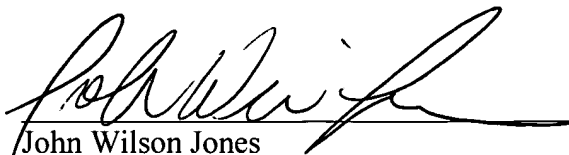
The Examiner's Double Patenting Rejection. The Examiner has further provisionally rejected Claims 7-12, 14-17 and 19-20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 3-6 and 13 of copending Application No. 10/911,038.

Applicant will consider the filing of a Terminal Disclaimer upon indication of allowable subject matter in this application.

Conclusion. In view of the foregoing amendment and remarks it is respectfully submitted that this application is in condition for allowance. Early notice to that effect is earnestly solicited.

Respectfully submitted,

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